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**FEB -9 2006**

RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MARTIN MARTINEZ-RODRIGUEZ,

17 Defendant.

No. 06-00055 JW

18 STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

SAN JOSE VENUE

19  
20 On February 2, 2006, the parties in this case appeared before the Court for an arraignment.  
21 After the defendant was arraigned and entered a plea of not guilty, Assistant United States  
22 Attorney Susan Knight explained to the Court that the defendant had retained Robert Helfend as  
23 of February 1, 2006. Therefore, in order for Mr. Helfend to review the discovery in the case,  
24 AUSA Susan Knight requested an exclusion of time under the Speedy Trial Act from February 2,  
25 2006 to March 6, 2006. The defendant, through Assistant Federal Public Defender Angela  
26 Hansen who represented him at the arraignment, agreed to the exclusion. The undersigned  
27 parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need  
28 for continuity of counsel and for effective preparation of counsel.

STIPULATION AND [PROPOSED] ORDER  
No. 06-00055 JW

1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

2  
3 DATED: 2/7/06

  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED: 2-6-06

  
ROBERT M. HELFEND  
Counsel for Mr. Martinez-Rodriguez

6  
7  
8  
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
10 under the Speedy Trial Act from February 2, 2006 to March 6, 2006. The Court finds, based on  
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance  
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
13 the requested continuance would deny defense counsel reasonable time necessary for effective  
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18  
19 DATED: 2/9/06

  
RICHARD SEEBORG  
United States Magistrate Judge